

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

June 17, 2002

At 9:32 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Sims, Acting Presiding Justice; Davis, Associate Justice; Morrison, Associate Justice; and Facey, Bailiff. Calendar Called.

C038755 REIBEL v. C.N.A. CASUALTY OF CALIFORNIA

Cause called. Eugene C. Treaster waived oral argument for appellant. Jody Steinberg waived oral argument for respondent. Cause submitted.

At 9:40 a.m., the court recessed. At 9:41 a.m., the court reconvened with Acting Presiding Justice Sims, Associate Justice Callahan and Associate Justice Robie.

C039957 LASICH v. LASICH

Cause called. Paige Leslie Wickland argued for appellant. Charlotte L. Keeley argued for respondent. Cause submitted.

At 10:15 a.m., the court recessed until 9:30 a.m., Tuesday, June 18, 2002.

C039890 THE PEOPLE v. LOPEZ

(Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Scotland, P.J.

Robie, J.

C039329 LAFOREST v. CITY OF MOUNT SHASTA et al.

(Not for Publication)

The judgment is affirmed. The plaintiff shall bear costs on appeal. (Cal. Rules of Court, rule 26(a).)

ROBIE, J.

We concur: Blease, Acting P.J.

Morrison, J.

June 18, 2002

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Morrison, Associate Justice; Kolkey, Associate Justice; and Guzman, Bailiff. Calendar Called.

C033039 THE PEOPLE v. GARY

Cause called. Douglas Wayne Gary argued for himself in pro per as appellant. Charles V. Fennessey, Deputy Attorney General, argued for respondent. Cause submitted.

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June 18, 2002, continued

At 9:54 a.m., the court recessed. At 2:00 p.m., the court reconvened with Acting Presiding Justice Raye, Associate Justice Morrison and Associate Justice Hull.

C033334 THE PEOPLE v. FOGLE et al.

Cause called. Lori Klein, court appointed counsel, argued for appellant Chadwell. Sharon G. Wrubel, court appointed counsel, argued for appellant Fogle. Mark A. Johnson, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:34 p.m., the court recessed. At 2:39 p.m., the court reconvened with Acting Presiding Justice Sims, Associate Justice Morrison and Associate Justice Hull.

C035402 THE PEOPLE v. WATIE

Cause called. Cynthia A. Thomas, court appointed counsel, argued for appellant. Alison Elle Alemán, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:20 p.m., the court recessed until 9:30 a.m., Wednesday, June 19, 2002.

C038509 THE PEOPLE v. WEST

(Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Sims, Acting P.J.
Morrison, J.

C038734 THE PEOPLE v. MIRELES

(Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Blease, Acting P.J.
Raye, J.

C039359 In re D.W. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. EDDIE W. (Not for Publication)

The order for appellant to submit to monitored testing is vacated. The matter is remanded with directions to the juvenile court to determine whether alternate testing methods for appellant would be feasible and effective or to order the testing facility to conduct testing in a manner that will eliminate appellant's privacy concerns. In all other respects, the orders are affirmed.

CALLAHAN, J.

We concur: Sims, Acting P.J.
Morrison, J.

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At 9:34 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Blease, Associate Justice; Kolkey, Associate Justice; and Rios, Bailiff. Calendar Called.

C037620 EMOLO v. DEPARTMENT OF ANIMAL CARE AND REGULATION
Cause called. Maryellen Laumbach argued for appellant. Lawrence J. Duran, County Counsel, argued for respondent. Cause submitted.

At 10:00 a.m., the court recessed. At 10:04 a.m., the court reconvened with Acting Presiding Justice Sims, Associate Justice Nicholson and Associate Justice Morrison.

C038016 SCOTT VALLEY CITIZENS FOR QUALITY GROWTH et al. v. COUNTY OF SISKIYOU et al., KIEWIT PACIFIC COMPANY and NASH et al.
Cause called. Laurens Silver argued for appellants-cross-respondents. Donna R. Black argued for real party in interest-respondent. Philip B. Price argued for respondents. Frank J. DeMarco, County Counsel, appeared only. William L. Anderson argued for real parties in interest-respondents-cross appellants. Cause submitted.

At 10:57 a.m., the court recessed. At 2:02 p.m., the court reconvened with Acting Presiding Justice Raye, Associate Justice Hull and Associate Justice Kolkey.

C033944 LINDBERG, etc., et al. v. VERNER et al.
Cause called. Susan M. Popik argued for appellants. Jeffrey A. Silva argued for respondent Verner. Michael K. Johnson argued for respondent Babitzke and submitted additional citations. Cause submitted.

At 2:45 p.m., the court recessed. At 2:49 p.m., the court reconvened with Presiding Justice Scotland, Associate Justice Raye and Associate Justice Callahan.

C037502 WESTERN STATES PETROLEUM ASSOCIATION et al. v. DEPARTMENT OF HEALTH SERVICES
Cause called. Michael F. Kerr argued for appellant. G. Mateo Munoz, Deputy Attorney General, argued for respondent. Victor M. Sher appeared only. No appearance was made on behalf of appellant California Chamber of Commerce as argument was previously waived and approved. Cause submitted.

At 3:40 p.m., the court recessed. At 3:43 p.m., the court reconvened with Acting Presiding Justice Blease, Associate Justice Hull and Associate Justice Kolkey.

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C036646 THE PEOPLE v. LIZOTTE

Cause called. Tami Buscho, court appointed counsel, argued for appellant. Patrick J. Whalen, Deputy Attorney General, argued for respondent. Cause submitted.

At 4:00 p.m., the court recessed until 9:30 a.m., Thursday, June 20, 2002.

C036340 THE PEOPLE v. JIMENEZ (Certified for Partial Publication)

The judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment to reflect the correct spelling of defendant's name as "Jimenez."

HULL, J.
We concur: Davis, Acting P.J.
 Nicholson, J.

C037416 THE PEOPLE v. ENDICOTT, JR. (Not for Publication)

The judgment is affirmed.
 SIMS, Acting P.J.
We concur: Nicholson, J.
 Morrison, J.

C038752 THE PEOPLE v. LUJAN (Not for Publication)

The fines imposed pursuant to Health and Safety Code sections 11372.5 and 11372.7 are stricken and the trial court is directed to prepare an amended abstract of judgment reflecting this disposition and to forward a copy to the Department of Corrections. In all other respects the judgment is affirmed.

HULL, J.
We concur: Blease, Acting P.J.
 Morrison, J.

C039216 THE PEOPLE v. RHINEHART (Not for Publication)

The judgment is modified to reflect a suspended restitution fine of \$400 pursuant to section 1202.45. The trial court is ordered to prepare an amended abstract of judgment showing this modification and to forward a certified copy of the amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed.

BLEASE, Acting P.J.
We concur: Raye, J.
 Callahan, J.

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C036877 **THE PEOPLE v. SCHINKEL, JR.**
Cause called. Dennis A. Fischer argued for appellant. Alan Ashby, Deputy Attorney General, argued for respondent. Cause submitted.

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June 20, 2002, continued

At 9:57 a.m., the court recessed. At 10:04 a.m., the court reconvened with Acting Presiding Justice Blease, Associate Justice Nicholson and Associate Justice Hull.

C037573 CUELLAR v. ALLISON

Cause called. Richard J. Reilley argued for appellant. Donna W. Low argued for respondent. Cause submitted.

At 10:31 a.m., the court recessed. At 10:37 a.m., the court reconvened with Acting Presiding Justice Davis, Associate Justice Nicholson and Associate Justice Hull.

**C037645 DEPARTMENT OF FINANCE v. COMMISSION ON STATE MANDATES and
SAN DIEGO UNIFIED SCHOOL DISTRICT**

Cause called. Leslie R. Lopez, Deputy Attorney General, argued for appellant. Jose Angel Gonzales argued for real party in interest-respondent. Paul M. Starkey appeared only. Camille S. Shelton argued for respondent. Arthur M. Palkowitz appeared only. Cause submitted.

At 11:15 a.m., the court recessed. At 11:20 a.m., the court reconvened with Acting Presiding Justice Blease, Associate Justice Davis and Associate Justice Hull.

C037683 THE PEOPLE v. CARDONA

Cause called. Susan D. Shors, court appointed counsel, argued for appellant. Daniel Bernstein, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:45 a.m., the court recessed. At 11:47 a.m., the court reconvened with Acting Presiding Justice Blease, Associate Justice Davis and Associate Justice Hull.

C038433 RYAN v. COUNTY OF SAN JOAQUIN et al.

Cause called. Daniel L. Mitchell argued for appellant. Scott Malm argued for respondents. Cause submitted.

At 11:55 a.m., the court recessed until 9:30 a.m., Friday, June 21, 2002.

C038472 THE PEOPLE v. DREW III

(Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Davis, Acting P.J.

Kolkey, J.

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June 20, 2002, continued

- C033148 ARLIN et al. v. REED, Inc., et al. (Not for Publication)**
The judgment of the trial court granting summary judgment is affirmed. Reed's motion for sanctions is denied. Costs on appeal are awarded to Reed.
NICHOLSON, Acting P.J.
We concur: Hull, J.
 Kolkey, J.
- C034976 GARRETSON v. MILLER (Certified for Publication)**
The judgment is affirmed. The parties shall bear their own costs on appeal.
(CERTIFIED FOR PUBLICATION.)
HULL, J.
We concur: Scotland, P.J.
 Kolkey, J.
- C037327 In re KIRILL L.; THE PEOPLE v. KIRILL L. (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J,
We concur: Scotland, P.J.
 Callahan, J.
- C040148 In re K.W.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. Z.C. (Not for Publication)**
The order terminating appellant's parental rights is affirmed.
HULL, J.
We concur: Scotland, P.J.
 Robie, J.
- C032839 THE PEOPLE v. STOWELL (Not for Publication)**
THE COURT:
It is ordered that the opinion filed herein on May 29,2002, be modified in the following particulars:...This modification does not change the judgment. Defendant's petition for rehearing is denied.
BY THE COURT:
Blease, Acting P.J.
Morrison, J.
Kolkey, J.

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June 21, 2002

At 9:34 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Davis, Associate Justice; Nicholson, Associate Justice; and Guzman, Bailiff. Calendar Called.

C040412 THE PEOPLE v. RAMOS

Cause called. Gail Buelow appeared. The reporter's transcript is to be filed on or before July 11, 2002. The order to show cause hearing is continued to July 12, 2002, at 9:30 a.m. If the reporter's transcript is not filed or Gail Buelow fails to appear, a bench warrant will issue.

**C037787 THOMPSON et al. v. MILLER, JR., et al.
C038013 MILLER, JR., et al. v. THOMPSON et al.**

Cause called.

At 9:57 a.m., the court recessed. At 10:04 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Davis and Associate Justice Nicholson.

**C037218 In re DUSTIN L.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v.
DUSTIN L. et al.**

Cause called. Janet G. Sherwood, court appointed counsel, argued for appellant Dustin L. Michael B. McPartland, court appointed counsel, appeared only. Lilly C. Frawley, County Counsel, argued for respondent.

At 10:11 a.m., the court recessed. At 10:16 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Davis and Associate Justice Robie.

C038463 THE PEOPLE v. RUSHING

Cause called. Eileen S. Kotler, court appointed counsel, argued for appellant and submitted additional citations. Aaron R. Maguire, Deputy Attorney General, argued for respondent. Cause submitted.

C039176 THE PEOPLE v. SARTAIN

Cause called. Lori Klein, court appointed counsel, argued for appellant. Robert K. Gezi, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:02 a.m., the court recessed. At 11:07 a.m., the court reconvened with Acting Presiding Justice Blease, Associate Justice Sims and Associate Justice Morrison.

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Hull, J.